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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,934	09/22/2003	Gregory Serdiuk	M219	1608

7590

08/26/2004

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EXAMINER

LUM VANNUCCI, LEE SIN YEE

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/667,934

Applicant(s)

SERDIUK, GREGORY

Examiner

Lee Lum

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 3-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. An Election was filed 6/21/04 in which Claim 10 was elected. Amendments to Claims 1 and 8-10 were also included.

However, upon reconsideration, the election restriction was incorrect. With respect to the figures, figs 1-4 depict Species I, and fig 5, Species II. Species I is described in Claims 1, 2, 9 and 10, these Claims being generic. Therefore, Claims 3-8 are considered withdrawn as being directed towards a nonelected species. This Action examines Claims 1, 2, 9 and 10.

Confirmation of the election **without traverse** should be included in the Response.

2. The drawings are objected to under 37 CFR 1.83(a) because of the following omissions:

- a. Figs 2 and 3 do not depict "idler shaft 60", rendering the structure and operation of the invention unclear.
- b. The drawings fail to show the entire structure of the "sliding assembly 58" as described in the specification on pp 6-7. The present drawings are insufficient to fully depict this element, and the "sliding" characteristic; an additional drawing is highly recommended.

Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

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3. The disclosure is objected to because of the following issues:

In the Spec

- a. Typographical errors: p 1, last line – axel,
p 3, line 3 – bicycles (should be singular),
p 4, line 1 – us,
p 7, line 2 – “52” should be “58”,
p 8, second-to-last line – used,
p 9, 7th line from the bottom – “an” should be “a”,
p 10, line 1 – springs should be singular.
- b. On p 6, second complete paragraph, the structure described does not appear to correspond to that depicted in fig 2. It is unclear if “first gear rotates with crankshaft 18”, and “second gear 86” does not appear to “rotate with first sprocket 62”. Clarification is required.
- c. On p 6, last paragraph, the “lever 94” is mounted on the frame, not on the handlebars.

In the Claims

The following elements lack antecedent basis:

In Claims 1, 9 and 10, lines 3-4 – movement,

In Claim 10, line 4 - rider's legs .

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 9 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Mahaney et al 5884927.

Mahaney discloses a bicycle 12, as depicted in figs 1 and 11-16, with

Frame (inherent, fig 1), axle 18, rear wheel (unidentified, fig 1), crankshaft 92, pedals 94, chaindrive 15,

One-way clutch 96 (c4, ln 39-42) wherein the crankshaft drives the wheel only in a first direction,

Second drive (fig 11, and c5, line 38-52) between the axle and crankshaft that effects rotation independent of the chaindrive,

and having direction reversing means (i.e., second direction) for the crankshaft with respect to the rotation direction of the axle (c5, ln 38-40),

including elements 98/106/118/116, and meshing gears 114/102, for

applying force from the wheel to the crankshaft, and,

Manual clutch 96/98 for engaging/disengaging the second drive.

5. The prior art made of record, and not relied upon, is considered pertinent to the disclosure: Yoo 6390487, 5904362, Toronto et al 5918894, 5765847, Foster Jr 5435583, Romano 5337861, Leonard 4925201, Tsuchie 4702486, Seeliger 4583754, Persson 4093961.

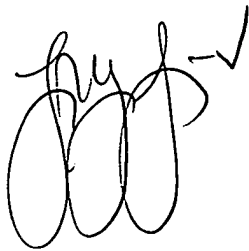
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6. Communication with USPTO/Examiner

Any inquiry concerning this communication, or others, should be directed to Ms. Lum at 703 305-0232, M-F, 9-6. If attempts to reach the examiner are unsuccessful, her supervisor, Ms. Lesley Morris is at 703 308-0629. Our fax number is 703 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications: private PAIR only, for published applications: private or public PAIR. For more information re PAIR: <http://pair-direct.uspto.gov>.

Ms. Lee S. Lum
Examiner
8/23/04



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